

# TOWARDS INCLUSIVE OPEN GOVERNMENT IN AFRICA

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# Towards Inclusive Open Government in Africa

USING THE OPEN GOVERNMENT PARTNERSHIP TO  
ADVANCE THE WOMEN'S RIGHTS AGENDA IN AFRICA

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IN AFRICA

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# *Executive Summary*

The Open Government Partnership (OGP) is an international volunteer initiative launched in 2011 that brings together governments and civil societies to co-create action plans that are intended to make governments more inclusive, responsive and accountable (Open Government Partnership[OGP], n.d.). As part of efforts to further make the OGP more inclusive, the Feminist Open Government (FOGO) Initiative was launched in 2018 to encourage governments and civil societies to take concrete gender actions recognizing the importance of the OGP as a tool to accelerate gender equality and close critical gaps in information, access and participation (Open Government Partnership[OGP], n.d.).

This study is part of efforts under the Feminist Open Government Initiative to explore the extent to which country level Open Government Partnership (OGP) processes have been gender responsive. The research focused on Kenya and Ghana who are participants in the OGP and reviewed past and present National Action Plans(NAPs), Independent Review Mechanism (IRM) reports, self-assessment reports (in the case of Ghana) and national OGP processes. This review was complimented by interviews and focus group discussions with key stakeholders to explore previous OGP processes in both countries and their attention to gender inclusivity. The study reveals that both countries have not deliberately sought to include women in the OGP processes and, in instances where it happened, it was purely by coincidence. The only conscientious effort made to include women and minority groups is within the commitments made in the current Kenya NAP III.

It is observed from our research study that meaningful inclusion and participation of women is perceived as their involvement throughout the OGP process - from co-creation to evaluation, making sure the women participating are representative of women in the country and that their participation is informed. Issues that hinder this meaningful inclusion of women, according to the study, include the structure of the OGP, both at the global and country level; the assumption that the OGP is open thus offering a space for women to automatically participate; the cost of participation by women and minority groups; the lack of information and/or understanding of what the OGP is; and a misunderstanding of gender equality as not being a concept central to governance.

It is therefore recommended that, for greater inclusion of women into the OGP, countries need to explore the possibility of leveraging already existing country structures, such as devolution in Kenya and development blueprints such as The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (also known as the Maputo Protocol). Fostering greater ownership of the OGP, entrenching it in governments and integrating the OGP with already existing national priorities are identified as potential ways to be better include women and minority groups. Finally, seeking strategic partnerships with organizations already working on issues around inclusion of women, exploring supplementary ways of funding OGP processes and the possibility of creatively using already existing frameworks/spaces for participation created by government or civil societies are recommended as potential avenues to further include women and mitigating the high cost of their participation.

# Background

Fourteen African governments are currently participating in the Open Government Partnership. These are Morocco, Tunisia, Senegal, Sierra Leone, Liberia, Cote d'Ivoire, Ghana, Burkina Faso, Seychelles, Cabo Verde, Nigeria, Kenya, Malawi and South Africa. South Africa is one of the six founding governments of OGP. Additionally, 4 African sub-national governments are also participating in the OGP: Elgeyo Marakwet in Kenya, Kaduna State in Nigeria, Kigoma in Tanzania and Sekondi-Takoradi in Ghana. This study however only focuses on two countries, Kenya and Ghana.

Towards an Inclusive Open Government in Africa (TIOGA) is a study under the Feminist Open Government (FOGO) Initiative which uses research and action to encourage governments and civil society to champion initiatives leading to gender advancements in open government. FOGO recognises the OGP as a key tool to accelerate gender equality and close critical gaps in information, access and participation and aims to encourage OGP country and civil society partners to take concrete gender actions like including more gender commitments in their National Action Plans (NAPs) and opening up open government for all by making OGP processes more inclusive.

TIOGA studies the extent to which open government efforts work for women in Africa and provides recommendations on how to strengthen them. While women are the majority in Africa, they remain under represented in policy processes and leadership in both the public and private sector. For instance, only 5% of CEOs on the African continent are female with only 29% of senior managers being women (Moodley, Holt, Leke & Desvaux, 2016). Additionally, across Africa, only 22% of cabinet members are women and only 25% of parliamentarians are women (Moodley et al., 2016). This points to existing gender inequalities that still need to be addressed and one important tool to address this the OGP.

While legal and policy frameworks exist to address these inequalities, it is not clear the extent to which open government efforts, as they exist in the national action plans, serve to dismantle this equality-unfriendly architecture or strengthen the ability of women to exercise their agency.

By studying the forms in which gender inequalities manifest themselves in select OGP countries vis a vis the four core commitments of the OGP Declaration, TIOGA will provide insights for the community in OGP countries to use in crafting commitments for the next NAPs. It lays the groundwork to bring more voices from the gender equality movement to the local, national and continental open government communities, influence new gender commitments in open government as well as study and amplify the impact of open government on women and other marginalized groups. The study focuses on 2 countries, Kenya and Ghana both of which have been participants in the OGP for over 5 years and have co-created and implemented 2 National Action Plans.

## Kenya and the OGP

Kenya joined the OGP in 2011 citing its commitment to the partnership's principles as part of its implementation of the access to information requirement by its constitution (Ministry of Foreign Affairs, 2011). The new constitution adopted by Kenya after in 2010 brought about a new era of structured citizen involvement in governance, captured as public participation (The Constitution of Kenya [Kenya], 2010). It enshrined the citizens' rights to be involved in policy making both at the national government level and at the county government level, the new units of the devolved system of government. This dispensation gave an opportunity to citizens at the lowest level of administration to be able to take part in discussions, decision making and scrutiny of governance processes. Participation and inclusion therefore form part and parcel of Kenya's governance processes. Kenya's membership in the OGP, therefore fits squarely within its existing governance frameworks that require transparency, accountability and openness of government and dictate processes for public input and oversight. Commitments made by Kenya towards this in its past NAPs have included commitments on anti-corruption, access to information and records, public participation, budget openness, legislative openness, extractives, climate, open contracting and beneficial ownership.

This has seen progress over the years such as the publication of key data sets on the census and national and regional expenditures on the Kenya Open Data portal (Njeru, 2013) where the public can the access data, the development of an online national bill-tracking platform "Dokeza" which provides an opportunity for citizens to review and engage draft legislation and offer input on public policies (Othim, 2018) albeit not without challenges.

Beyond a general acceptance of the successes and challenges of public participation however, one must give special consideration to the dynamics of participation by gender. A 2012 baseline survey revealed that, women lagged behind in terms of level of awareness and participation in matters pertaining to the constitution, politics and governance (Society for International Development[SID], 2012) which is consistent with a 2018 study that also revealed women are less likely to attend public citizen participation meetings at 33% than men at 50% (Twaweza East Africa, 2018). This points to women continuing to lag behind in participation in governance processes over the years. For participation to be significant, it needs to be inclusive with the continuous low participation of women shedding light on an area that still needs to be addressed.

## Ghana and the OGP

Ghana, similarly, expressed interest to join the OGP in 2011 based on its zeal for the promotion of democracy and good governance demonstrated through existing provisions enshrined in the 1992, Fourth Republican Constitution. Its commitments since joining he OGP have included commitments on civic participation and accountability, beneficial ownership, open contracting and contract monitoring, fiscal transparency and accountability, technology and innovation and revenue management.

Ghana's decentralization as set out in Chapter 20 of its 1992 constitution was a culmination



of efforts to give 'power to the people' (Alam & Koranteng, 2011) and to foster participation of citizens in governance at the grassroots level as a key tenet of effective service delivery (Ahenkan, Bawole, & Domfeh, 2013). However, some structural and process challenges continue to strain efforts towards effective citizen participation one of the major ones being the low level of participation (Ahenkan et al., 2013) as well as ineffective level of accountability and coordination and inadequate financial resources (Arthur, 2016). Additionally, an aspect that also continues to limit government transparency and civic participation in governance in Ghana is the lack of a legislation on the right to information, which has been the subject of Ghana's past OGP commitments.

While general citizen participation is noted to be low in Ghana, the number of women participating in decision-making within the various structures in local governance in Ghana also remains low (Brenya, Akuamoah, & Jonathan, 2015). In terms of representation, in 2002 only 5% of members of the 7700 members of assemblies were women and as at 2016, only about 11% of elected parliamentarians were women (Asuako, 2017). This has been attributed to cultural and social demarcations that continue to limit women's roles, certain political structures being regarded as male associations (Brenya et al., 2015) and lack of information on the centrality of women's participation to sustainable development (UNDP Regional Bureau for Africa, 2016). Women's political voice and leadership has been recognised as a key driver in advancing gender equality (United Nations Development Programme Regional Bureau for Africa, 2016) and is therefore an area that still needs significant attention.

The OGP exists as an important tool that can be used to ensure increased and more inclusive participation of women in governance both at the national and sub-national levels thereby providing opportunities for better participation of women in governance processes. It is only when governance processes are inclusive that they can be sustainable. TIOGA, by looking at how gender inequalities manifest themselves in OGP processes aims to provide lessons for countries to bridge the gender inequality gap by making their processes more gender responsive going forward; lessons, that will also be useful for governance processes beyond the structure and commitments resulting from OGP National Action Plans (NAPs).

# The Research

## OUR RESEARCH OBJECTIVES AND METHODOLOGY

The core focus of this research was to undertake a study on the extent to which open government efforts in previous/current NAPs involve women and address issues affecting them. We mainly aimed to meet the following key objectives with our study:

1. Support the inclusion of gender responsive commitments in the next cycle of NAPs
2. Mobilize gender equality advocates to participate in national and sub-national level OGP processes

The frame of reference for formulating our research questions was on the basis of examining how inclusive participation in OGP is/can be enhanced or detracted by existing normative frameworks including the domestication of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol), as well as SDG 5 of the 2030 Agenda.

Our research, therefore, aims to answer the following research questions:

1. What is considered meaningful and quality participation of women and marginalized groups in OGP processes?
2. What is considered inclusion of women and marginalized groups in OGP?
3. To what extent have past and current NAPs supported participation and inclusion of women?
4. What has been recorded progress, results and impact (of tools/plans to engage women), if any, based on these definitions?
5. Which specific NAP commitments in place can be improved to support the inclusion of gender equality in the next round of national action plans?
6. What new value can an inclusive open government partnership contribute to the achievement of SDG 5, SDG16 and successful domestication of the Maputo Protocol?

## Methodology

This research study was conducted between October and December 2018 and used a mixed research methods approach. The research focused on Kenya and Ghana. Both countries have implemented 2 NAPs with Ghana currently implementing NAP III and Kenya co-creating the NAP III implying both countries have gone through the cycles for a period enough to evaluate the process. We combined multiple research approaches to be able to cover the full spectrum of OGP processes and their nuances. We, therefore, employed a participatory research approach, coupled with secondary research and primary research to ensure insights were captured from stakeholders within the two broad communities as well as existing literature. Our methodology aimed to address two lines of inquiry:

1. **Line of inquiry 1:** Mapping, unpacking, and exploring gender “edges” to existing open government and OGP processes - particularly around meaningful, quality participation & inclusion in these processes - or lack thereof.
2. **Line of inquiry 2:** Exploring key open government topical areas where a more

gender-centric approach to open government processes could drive improved policy/process outcomes as well as downstream development outcomes.

## Literature Review

Our secondary research included the review of literature on the Open Government Partnership (OGP). We analysed previous and current National Action Plans (NAPs), Independent Review Mechanism (IRM) reports and self-assessment reports which were available in the case of Ghana. This was key in identifying ways in which previous OGP processes have meaningfully involved women in the past or included commitments that are geared towards women or minority groups.

## Interviews and Focus Group Discussions

In Kenya, we spoke to representatives of Civil Society Organizations (CSOs) on the national OGP steering committee as well as representatives from gender equality and gender and governance organizations. In Ghana, we spoke to individuals on the national OGP steering committee, the youth, persons with disabilities and representatives from gender equality and gender and governance organizations. Primary interviews helped explore nuances of participation, inclusion and structure of OGP processes in countries to understand the current organization of participation and inclusion in the OGP and potential opportunities for mainstreaming a more gender centric approach to open government structures and processes.

Participants in both Focus Group discussions held in Kenya and Ghana were individuals affiliated to organizations already engaged in OGP processes, women's rights, gender equality organizations and or governance organizations and were selected based on a snowball sampling procedure from referrals and already existing contacts.

The participatory research approach was adopted in Kenya since the Local Development Research Institute which hosts the research into this work has been involved in the past and is still involved in OGP processes in Kenya with an effort to create synergies between the OGP community and organizations focused on women's rights and gender equality in its larger efforts to reduce inequality.

## Analysis of Findings

The analysis of the NAPs, Independent Review Mechanism (IRM) reports, self-assessment reports, interview and Focus Group Discussion (FGD) transcripts was done using a thematic analysis approach. Most of the questions in the interview and FGD guide were open ended and were thus open to very diverse answers from the respondents. As such, the transcripts were analysed manually by the researcher who put common words, phrases and or ideas together to identify trends in the respondents' answers.

# Findings

## A LOOK AT THE OGP PROCESS IN KENYA

Our review of NAPs, IRM reports, self-assessment reports, interviews and discussions with stakeholders shed a lot of light on how gender-responsive OGP structures and processes are (and have been in the past) and hindrances that make it difficult for them to be gender responsive. These are discussed in detail in this section.

Since joining the OGP, Kenya has created and implemented two NAPs and is currently finalizing on the co-creation of NAP III while Ghana has created three NAPs and is currently implementing NAP III. This section discusses findings from each country separately, acknowledging the contextual differences that contribute to how the OGP is set up and run in each.

In the past OGP in Kenya has not been considered inclusive to women

It was unanimously established from the interviews and focus group discussion that during the process of co-creating Kenya's first and second National Action Plans (NAP I and II), there was no deliberate effort to engage and or include women throughout OGP processes including implementation and evaluation of the action plans.

*'We did not deliberately engage women in the past because for NAP I and II the OGP was new so to speak and then even in traditional institutions working on governance were trying to acquaint themselves with it,' one of the steering committee members explained. A participant also noted that, 'the OGP had at the moment not been conceptualized in a way that articulates a particular value proposition for women, youth or minority groups. The value articulation has been mainly for all citizens.'*

The OGP has generally been understood as embodying processes that lend themselves to citizens as a whole group and this has made it difficult to be deliberate about involving women and girls. As such, inclusion in OGP processes during the NAP I and II cycles was mainly seen as an opportunity to bring together stakeholders from different sectors - government, civil society and private sector - as opposed to applying a gender lens in a manner that deliberately included women and minority groups in the processes.

A review of the first two action plans, as well as the IRM reports appraising the two action plans further reveal that neither had specific commitments that addressed the inclusion of women in governance nor commitments that addressed issues specifically aiming to improve the lives of women. For instance, in NAP I and II implementation cycles, Kenya made commitments to improve public services, improve access to government budget information and create wider and more inclusive structures for public participation. In fact, with respect to the commitments on public participation, the NAPs specifically prescribed that public participation should be 'open and inclusive'. However, this was open to interpretation and not further elaborated upon nor a break down provided to show how successful implementation looked like - which groups were expected to be targeted/influenced by this commitment.



## There are emerging efforts to include women in current OGP processes in Kenya

In the development of the third NAP, the OGP steering committee has begun to make a conscious effort to become more inclusive in two ways –

1. Inclusion in the co-creation and implementation of the National Action Plan
2. Using the OGP commitments as a means to address issues specifically affecting women and minority groups.

In the development of NAP III, the steering committee sought the input of women representatives including members of women's rights and gender equality organizations. This was done through invitations to participate in co-creation meetings as well as by sharing the drafted commitments via email to these stakeholders to request for feedback and their input in the NAP.

*'The whole OGP conversation has now matured to a level where there are questions about inclusion... where are the persons with disabilities? ...where are the women?... where is the youth?... and there's that conscious effort to reach those groups,' one respondent explained.*

*'The OGP in Kenya reached out to us for NAP III in its efforts to include more the voices of women and girls in the OGP,' noted one of the interviewees from an organization working on gender equality.*

Additionally, inclusivity was central to the OGP process with 4 out of the 9 members of the OGP steering committee being women and one of them being a gender and democratic governance specialist. This demonstrates progress going forward; that there is a recognition by the OGP community in Kenya of the critical need to have women involved in OGP processes to make both the processes and commitments gender responsive. This increasing focus on making the OGP process and content more inclusive may have been influenced by the government's increased interest in strengthening implementation of the preferential procurement provisions. Another contributing factor was the presence of civil society organisations with an interest in advancing the women's social and economic rights agenda during the action plan co-creation process.

## Hindrances to inclusion of women in Kenyan OGP processes

A general assumption that the OGP is inherently an open process and as such is automatically accessible to different groups hinders inclusion of women and marginalized groups. This presupposes that everyone is able to take advantage of this 'open space' and give their input. However, participants in Kenya challenged this notion stating that there existed nuanced limitations that undermined the level of participation of different groups.

*'How open is open, and how are people equipped to take advantage of that space?...If you think about the women, the youth, the people living with disabilities, people with a certain form of*

NAP	Commitment	Verifiable and Measurable Milestone
NAP 1	1. Improving Public Services	Public Participation has to be inclusive through available channels: web, mobile, radio, TV and public hearings.
NAP 2	7. Improving access to government budget information and creating wider and more inclusive structures for public participation	Public participation by the national government will be more open and inclusive and progressive. Sector hearings should be more open to a larger number of stakeholders and be held in counties as well.

*Table 1: Potentially gender responsive commitments from Kenya's Open Government Partnership National Action Plans I & II*

*orientation, each of these categories of people have their own barriers but also have their own priorities,' raised one of the participants.*

To make the OGP space truly open is to acknowledge that different groups of people are different, to deliberately identify barriers that hinder women and girls from participating and removing them to create a safe space for them to participate. The continued assumption of openness without a deliberate decision to engage women and minority groups makes the space only accessible to a certain group of women and excludes others.

Another hindrance to inclusion of women in OGP is the misconception that gender equality is not a governance issue. Governance in Kenya is perceived as an issue that lends itself to whole populations and does not require the citizenry to be targeted differently while gender equality is viewed as a specific social issue to be addressed separately.

*'(Gender Equality is) a stand-alone something on the side in the periphery as a sub-sector on the side that we can pick as we go even though it is included in most legal documents.'*

*'When you talk about inequality in governance, people think about poverty inequality, ethnic inequality, but not gender inequality,' said one of the participants.*

Instead of weaving it and mainstreaming inclusion of women into governance processes and

all development processes, it is conceptualized as being delegated to a particular ministry that would then tackle all gender inequality issues. A more systemic approach to gender inequality would be more useful to tackle it.

The cost of participation also makes it difficult for women to engage in governance processes. Even when processes are open to participation by women, those with lower financial capacities still have to incur many expenses to participate. While individual women employed in organizations implementing open governance-related interventions have an incentive to engage, those who don't, are not able to put together resources to facilitate their engagement. The lack of funding for OGP processes, be it by government or civil society, means there are constrained resources available to convene meetings and other OGP activities.

*‘..lack of resources by CSOs to convene meetings and gather points of view for a process that may not be directly linked to their fundraising makes it difficult to deliberately engage women and minority groups making the OGP to mostly rely on whoever can afford to show up for consultation forums.’*

A framework of costing public participation acknowledges that certain groups of people may not afford to engage financially or by making the time, as they are tending to more immediate needs. Respondents to our interviews suggested that development of such a framework can identify the cost of participation of women, especially those with lower financial capacities, and create mechanisms to support their inclusion.

Participants in Kenya also noted that the way the OGP is structured at the country level is a hindrance to inclusion of women. For the development of NAP I and II, Kenya only had a national steering committee with a limited number of slots which mostly did oversight. They did not meet as often as would be expected and because of the limited number of slots on the steering committee, the slots were mostly taken up by key points of contact in government and a few CSOs meaning only a limited number of people participated. To address this issue, in the on-going co-creation of NAP III, the structure has been revised to include a technical committee with groups working on different thematic areas providing a platform to include more women and minority groups. With more people being part of the process and even more people on the steering committee, the base has been broadened enough to now be able to include different groups bringing different interests to the table.

The patriarchal nature of African societies was noted as making it difficult for women to feel comfortable to attend OGP convening sessions and give their input. Traditional/cultural power dynamics between men and women present a challenge to meaningful participation as some women struggle to give useful critique to dominant male voices in the space. This plays out by women either not showing up to consultations or showing up but not being able to speak to their issues in the forums. This power imbalance has also been observed in the lack of an enabling political environment for inclusion of women in governance processes was also identified as a key hindrance to push for and foster a gender responsive OGP in Kenya with men dominating the political and government positions of influence.

*'The fact that we are a patriarchal society relegates women to a certain level and so there are issues of culture, issues of norms, behaviours, attitudes,' an interviewee explained.*

*'The failure of parliament to operationalize the two thirds gender principle' on equality and non-discrimination of women is sending a message of a political environment that is still not willing to include women in governance,' A participant cited.*

*A general assumption that the OGP is inherently an open process and as such is automatically accessible to different groups hinders inclusion of women and marginalized groups.*





- Next Steps**
- Release National Program on Open Government;
  - Hold a National Open Government Conference in December during the Global Anti-Corruption Week 2017;
  - Open Government and APWV Partnership Model to be signed at the AU Summit in January 2017
  - Hold a World and Africa Point of Contact Meeting in May 2017
  - Launch a collaboration with the Government of Canada (GOC) at the OGP Summit in May 2017

Participants at the launch of Kenya's 3rd OGP National Action Plan for the period 2018 to 2020 on January 28th in Nairobi.



### Women Are Still Not Being Engaged Meaningfully in OGP Processes

It was also unanimous from interviews and focus group discussion in Ghana that in the past, there has not been a deliberate attempt to include women in OGP processes and where it has happened, as in the case of the current steering committee where the women outnumber the men, it has been purely by coincidence. 'The issues really cut across, we haven't given a special focus to women,' noted a participant from the steering committee. This, participants in Ghana, attributed to the fact that the OGP in itself has not taken root in the country and as such the steering committee was still struggling to even engage the Ghana public population as a solid entity. 'Even awareness of the OGP among Ghanaians is a problem and agencies meant to implement some portions of the NAP are aware,' a participant noted.

Additionally, out of all three NAPS, none has a specific commitment that addresses the inclusion of women or one that addresses an issue that is specific to women. However, while it is not captured in NAP II, an end of term self- assessment report written on NAP II implementation between 2015-2017 documents that with respect to the commitment on Citizen Participation, 'the National Commission on Civic Education has carried out lots of sensitization on citizens' participation. Through sensitization, the number of women taking part in political activities has been increasing.' This observation is also made in the IRM report 2015-2016, albeit with a note that there was no proof of the claim made in the self-assessment report. It reports that, 'a promise of twenty gender sensitization workshops to advance gender equity in decision making albeit with scant evidence.' Beyond this, there isn't any documentation of involvement of women from the co-creation stage to the evaluation.

All 3 NAPs conceptualize inclusion as bringing together private sector, civil society, independent commissions of state and political parties and local stakeholders such as chiefs and other traditional rulers from different geographical zones but with the public still being viewed as a homogeneous block. While all 3 NAPs had a public participation commitment none of them breaks down the groups to be targeted by gender but more by the sectors.

*Limited funding allocation towards OGP processes is a key hindrance to inclusivity in OGP in Ghana.*

NAP	Commitment	Verifiable and Measurable Milestone
NAP 1	2.1.4 Citizens' participation	<p>'Sector Working Groups exist in which government representatives, development partners and representatives of CSOs exchange or share ideas.</p> <p>Regular meet-the-press sessions have been instituted to provide a platform for Ministers of State to brief the public on the activities of the Ministries, Departments and Agencies under their charge and receive feedback.'</p>
NAP 2	4.2.0 Citizen's Participation	<p>'Ghana's OGP Action Plans, past and current, recognize citizens' participation as an important part of its democracy and the development process and therefore commits to providing opportunities for citizens to participate in both central and local administration.</p> <p>During the plan period, Government of Ghana intends to increase opportunities for citizens' participation in the work of Parliament and the local government structures.'</p> <p>'Actions: Organize 10 regional outreach programmes with faith based organizations on the opportunities available for participating in local administration and Parliament by 2017'</p>
NAP 3	2.2 Citizens' participation and Accountability.	<p>'The rationale behind the decentralization efforts in Ghana is to bring governance to the doorstep of the people. Citizens' participation is not limited to the local government level but also covers national level institutions as well as Parliament.'</p>

Table 2: Potentially gender responsive commitments from Ghana's Open Government Partnership National Action Plans 1,2 & 3

## Hindrances to effective engagement and inclusion of women in Ghana.

The overarching global structure of the OGP was identified as presenting a challenge in terms of enforcing commitments or countries following through with their commitments. OGP is implemented in a voluntary manner, meaning that there seems to be a lack of consequences to poor implementation of NAPs. This, consequently influences how women and minority groups are involved or impacted by OGP processes. Some participants in Ghana saw the lack of consequences beyond an unfavourable IRM report as not being enough to pressure governments to implement their commitments or make OGP processes more inclusive to women and minority groups.

*'There are no sanctions. There are times that we have put them on the spot and asked questions but nothing happens,' a member of the steering committee from Civil Society stated.*

This has also resulted in redundancy in commitments made in subsequent action plans without a show of progress on previous commitments made on the same issues. Concern was shown by respondents specifically on how the Ghana Right to Information bill that has been included in all three action plans but with not much action from government and or accountability measures set in place to counter this by the OGP.

*'If you look at our action plans, we just keep repeating ourselves, but not much is happening,' raised a participant.*

*'If you're not compliant to your NAP, nothing happens to you,' another added.*

The country level structure of the OGP was also identified as one of the hindrances to women's meaningful participation. Participants in Ghana noted the structure when it came to implementation and reporting leaned more towards the government agency that ran it, noting that as a barrier to its effective working as CSOs felt left out of the processes. Lack of commitment by the government agency in charge of the OGP meant that activities relied on goodwill and more effort from civil society to work towards participation in OGP processes. 'Is government actually committed to implementing the issues listed in the action plan?' Questions around the government following through with its commitments were raised.

Limited funding allocation towards OGP processes is a key hindrance to inclusivity in OGP in Ghana. Our participants noted that there was no dedicated budget line from the government to the OGP nor a provision for it within any government agency.

*'We can't do anything because of lack of funding and that makes it difficult to do target engagement with different groups to gather information in the co-creation process. We bring people together, throughout the process, it is only limited because of lack of funding,' explained a member of the steering committee.*



NAP	Right To Information Commitments
NAP 1	<p>3.1.3 Right to Information</p> <p>The Government of Ghana has, since 2010, been working very hard on a major instrument of transparency in the shape of a Right to Information Bill which is currently pending before Parliament.</p>
NAP 2	<p>4.1.2 Right to Information</p> <p>Under the first Action Plan 2013-2014, Government undertook to enact a Right to Information Law. However, the implementation of this commitment has not been realized. Government still recognizes the importance of unfettered access to information in contributing to stability in governance and therefore commits to passing the Right to Information Bill by December, 2016.</p>
NAP 3	<p>3.1.6 Right to Information</p> <p>The Government undertook to enact a Right to Information (RTI) Law both in the first and second action plan. However, the RTI bill has not been passed. Government still recognizes the importance of unfettered access to information in contributing to stability in governance and therefore commits to passing the Right to Information Bill by June, 2018.</p>

*Table 3: Commitments on The Right to Information legislation from Ghana's Open Government Partnerships National Action Plans 1,2 & 3*

Without supplementing resources from government allocated towards convenings and other OGP activities, severely limit how much civil society organizations can achieve towards getting women and girls to participate in OGP processes. Additionally, lack of mechanism to transcend government transitions by creating a policy to drive and sustain OGP has made it difficult to engage government towards sustainable and inclusive open government processes.

*'A lot of time it is the civil society side that is prominent. When people leave offices they don't leave office, they don't leave handing over notes that inform the other,' a participant in Ghana noted.*

# Quality & Meaningful Participation

## QUALITY AND MEANINGFUL PARTICIPATION AS A MEANS TO INCLUSIVE OPEN GOVERNMENT

When we defined inclusion, we did not just look at the numbers of women and marginalized groups represented in the OGP process but also the quality of their participation. There are several contextual nuances in each country that may hinder quality participation of women and minority groups in OGP. We, therefore, aimed to understand in our research what could be considered meaningful participation in order for OGP processes to be considered inclusive.

### Meaningful participation means inclusion of women at all levels of the OGP process

The most common response provided was that meaningful participation of women is at all levels of the OGP process - from co-creation of National Action Plans to the evaluation of countries' performance on implementation. Our respondents believed that having women represented in OGP processes from the beginning and not just at selected levels of implementation was an important part of making OGP a more inclusive process.

*"It is really important that the whole process is laid out... but I think my issue is how represented women are along the chain... from the beginning where you are actually developing or designing the process or the documentation right up to the evaluation," a participant from Kenya explained.*

Our participants also believed that meaningful participation and inclusion meant including the views of women and their inputs in the final National Action Plan documents.

*'Beyond attendance, 'to what extent do their views influence the final decision (of what is to be included in the action plans), do their views count?' pondered an interviewee.*

One respondent noted that sometimes women tended to be invited to consultations to 'tick boxes' and meet representation quotas but that their contributions did not necessarily influence final outputs of consultations. In order, therefore, to ensure that participation was not superficial, our respondents suggested that it was important to create a feedback loop, such that if views expressed by women and minority groups did not make it into the final action plan, there was opportunity to question the decisions and create dialogues around what commitments could feasibly be prioritized within the given time lines.

### Inclusive participation means involving women and minority groups from all walks of life.

Participation of women from all backgrounds in OGP processes was proposed as a key tenet in ensuring OGP was inclusive. As OGP is currently structured, it is seen to be limiting to the

meaningful participation of women and minority groups and is viewed as elitist. For instance, in Kenya, most of the OGP activities are mainly conducted in the capital city, Nairobi, therefore only women, located in the city or those with the means and resources can participate in the co-creation process.

*'The national OGP activities are very concentrated in the capital so, it is a completely different category of women that would participate thereby making it very elitist'. Noted one of our respondents.*

*'At the moment it is a lot of urban women participating in OGP processes and understand what it can do and even what it can achieve. A lot of women who live in rural areas or informal settlements who make up the majority of the population of women, are not part of these processes, which means that their viewpoints are left out'. a participant of our focus group discussions noted.*

Thus, while women do attend the meetings, those present are not viewed as representative of the diversity of women and marginalized groups across the country. This is an impediment to meaningful participation of women since only the views of a section of women are then factored into the NAPs. Having women from across the spectrum, especially from rural areas, is important to bring new perspectives to the table and ensure practical linkages exist between high-level policy in the form of OGP commitments aligns with local needs on the ground. That way, the OGP can directly be a means to the lives for women in rural areas as well.

### Access to information improves quality participation and inclusion of women in OGP

Respondents of our research study noted that for participation in OGP to be considered meaningful, it also had to be informed participation. Informed participation, they noted, meant accessing sufficient information and data beforehand in order to actively contribute to co-creation, implementation and evaluation of OGP commitments and National Action Plans.

*"... being able to usefully contribute to the discussion in ways that it then speaks to women's issues needs the women and girls who come to these convenings to understand the processes and the OGP's potential' mentioned one of the interviewees.*

*'Let people know what they are coming to participate in because then they are able to speak to it,' said an interviewee. The timeliness of this information could also be difference between meaningful participation and just being present. When people get information in time, they are able to process it, research and give feedback that is useful to the OGP process as opposed to last minute calls for participation where people end up just attending meetings... Sometimes people are summoned to meetings to discuss issues they have not had access to, not understood and these meetings end up being a rubber-stamping exercise,' added an interviewee.*

Beyond a general understanding of what the OGP is about is that, 'do they speak to what should

be priorities in terms of open government?’ With very few citizens across the country and, by extension, women not having information about the OGP, their capacity to engage remains quite low. Meaningful participation in the OGP also implies being able to sift through a list of many issues but being able to prioritize and coming to an ‘agreement that of all these issues, these are the 5 that to focus on for now’ which for the most part is not possible with people not aware of the OGP.

Meaningful participation was also captured as ensuring the representatives of women’s rights organizations, or gender equality organizations who end up of either the technical committee or the steering committee truly represent the views of women and girls. ‘If you’re representing women have you collected the views of the women that you are representing?’ When individual representatives are part of OGP processes, ‘do they speak to current priorities of women and girls?’ These keep on changing and unless the representatives that come on board are constantly consulting and having conversations with women and girls, they would not be able to meaningfully bring their voices to the table.





11 March 2013. El Fasher: Students from the Midwifery School in El Fasher, North Darfur, participate at the march organized by UNAMID to commemorate the International Women's Day.

# Recommendations

## OPPORTUNITIES AND RECOMMENDATIONS FOR MEANINGFUL INCLUSION OF WOMEN IN OGP

Having identified what ideally would make the OGP more inclusive and beneficial to women and minority groups, we explore in this section potential entry points that could be undertaken to make OGP processes more gender responsive.

First and foremost, it is imperative to increase the level of government ownership of the OGP process at the country level. When OGP systems don't work, citizens and, more specifically, women cannot engage with the OGP. One effective way to achieve this is to champion for governments that have signed up to the OGP to have it as part of government policy implementation and have a permanent home for the national steering committee within a government agency. In the past, both Kenya and Ghana have had changes in government leadership, which have led to periods of uncertainty for the OGP especially when it was not deemed to align to the new government's priorities. This has led to the OGP steering committees in each country to go back to the drawing board to realign OGP values with the priorities of the government of the day, for progress to be made. This makes it difficult to have consistent progress on OGP commitments.

Thus when the OGP is entrenched in government it makes it possible for it to survive government transitions. Additionally the OGP has been designed as a co-creation mechanism for governance driven by both government and civil society actors. There is, therefore, a need for the OGP to go beyond the participation of individual champions to building capacity and institutionalizing it within governments as a mechanism for obtaining greater ownership of the OGP. Ultimately, this creates a better obligation by the government, regardless of political will to implement agreed upon commitments and NAPs. Institutionalizing the OGP creates further obligation to provide a sustainability mechanism in the form of government funding through budgetary allocation. Securing funding for the OGP overcomes one of the largest hindrances to the implementation of NAPs and inclusion of women and girls and minority groups.

Secondly, for OGP to not only become more inclusive to women and minority groups but to also succeed in achieving commitments made through the NAPs, it should leverage already existing country normative frameworks. Presently, the OGP in Kenya, and more so in the case of Ghana, is still largely seen as a stand-alone initiative as opposed to an extension of already existing national government priorities, as well as other regional and global frameworks. It is thus seen as a parallel initiative rather than feeding into already existing governance structures and processes in these countries relating to accountability, transparency and civic participation. Therefore, creating linkages between OGP and other ratified frameworks whether global, continental or national, provides useful opportunities to track progress and positioning of these commitments towards collective actualization than in the case if OGP was being implemented through siloed efforts.

Kenya, for instance, has a devolved system of governance and public participation is entrenched in its constitution as a prerequisite for development processes. OGP can, therefore, be instantly a mechanism that directly contributes towards interventions that promote public participation in governance processes in Kenya. Aligning OGP to these existing structures that are already aiming to reach citizens in the most granular manner, offers the opportunity to cut down on implementation costs such as those arising in organizing representative and inclusive consultation forums. Working in tandem with county governments in Kenya to include OGP processes in their consultations with citizens is an effective way to reach out to women and minority groups at the smallest units of administration and capture what their priorities relating to governance are. Inclusivity is ensured when local priorities are included in OGP commitments. Sub-national OGP process can further this agenda by bringing OGP closer to communities. Elgeyo Marakwet county in Kenya for instance is currently a participant in the OGP and there is an opportunity to align some of its commitments to Kenya's national OGP commitments and to bring together a different constituency of women to participate in OGP processes.

Development blueprints such as the Sustainable Development Agenda, Africa's Agenda 2063 and The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa also known as The Maputo Protocol, which have a wide acceptability across the continent, also provide opportunities to advance women's inclusion in the OGP. The Maputo Protocol was noted as an instrumental document that the OGP can leverage to push for more gender responsive processes and structures. The Protocol which has been signed and ratified by both Kenya and Ghana has articles on participative governance and women's participation in the political lives of their countries. It would therefore be a solid entry point if the OGP commitments can help actualize some of the other pledges these countries had already made when ratifying the Protocol. Identifying articles in the Protocol that speak to openness, accountability and civic participation of women and using the OGP as a vehicle to drive that is an opportunity that could be explored.

Equally, the SDGs are a strong blueprint for development not just on the African continent but across the world with greater commitment to achievement by governments. This once again, presents an opportunity for the OGP to incorporate itself into each country's development agenda. The existence of SDGs forums such as the one in Kenya that create channels for CSOs to strategically align, organize and participate in critical conversations with various ministries, county governments and development partners (SDGs Kenya Forum, n.d.) and provides an opportunity for bilateral activities with the OGP to include more people in the OGP process. The Goal 5 and the increased push to make gendered data available for all goals presents an impetus to ingrain not just women's participation and an endeavour to make development work for women but also government accountability and transparency in addressing issues affecting women and minority groups.

The third opportunity arises from building the capacity of women and minority groups to meaningfully participate in the OGP. By providing access to the requisite information and data beforehand, allows women to increase their participation in OGP from co-creation to implementation. Not only are women able to actively engage in discussion, but can advocate, with evidence, for issues impacting them to be addressed through OGP commitments and NAPs.



Given the contextual nuances limiting participation and inclusion of women in the OGP, reveals greater systemic issues of governance, making it a multifaceted issue. Strategic partnerships at the country level with actors with experience in advocating for the rights of women and marginalized groups are key in creating an enabling environment to further push for inclusion of women and minority groups in the OGP. Maximizing on already existing country frameworks or on-going projects by gender organizations are key ways to mainstream gender responsive approaches and perspectives in OGP processes. For instance by partnering with organizations that have already made in-roads with local communities allows OGP to capitalize on their convening power and credibility. This makes it easier and more efficient to engage women and girls at local level through channels they are already familiar with.

Driving OGP participation through elected representatives of the people is another opportunity to champion inclusivity on OGP. For instance, legislators are direct representatives of the people and as such there is a need to raise awareness and improve participation of the parliament in OGP. This is especially important in Ghana where civil society actors are more prominent in OGP with limited participation from government. Members of Parliament are in constant contact with their constituents and are expected to represent the needs of their local communities in policy making. Additionally, well informed and engaged members of parliament are able to hold the rest of the government and leading implementing institutions accountable to their OGP commitments through raising questions on progress in parliament.

Finally, to create a greater awareness of the OGP, it is important to leverage national and community media to have conversations on open governance and the OGP. Setting up of national platforms such as websites and social media pages are also an important platform for citizens to follow and participate in OGP processes. To support this, making language around the OGP less technical would go a long way in making citizens understand what it is and how it is relevant to their everyday situations. Having individuals and civil society organizations foster peer to peer learning on the OGP is also a practical way of getting more people to know and understand it as a prerequisite for meaningful participation/inclusion of women and minority groups.





Mukelani Dimba, Open Government Partnership Civil Society Co-Chair 2017-2018 speaking at Civil Society Day at the 2018 OGP Summit in Tbilisi, Georgia.



# Conclusion

Over the course of both Kenya and Ghana's membership in the OGP, the two countries have made several commitments to openness that seem inclusive and aimed at impacting women and minority groups. However, these commitments, and more generally the OGP structures in these countries, are not deliberate in their approach towards ensuring inclusivity and quality participation of women and minority groups in Open Government. Women and minority groups have also not been targeted specifically as beneficiaries of OGP commitments. Kenya is, however, intent on making OGP processes more inclusive. This has been seen in the steering committee's invitation to women rights' and gender equality organizations to participate in the co-creation of NAP III and; the inclusion of a commitment in NAP III that sets targets within commitments on open contracting to ensure that '30 percent of public procurement opportunities set aside for youths, women and persons with disabilities (PWDs) benefits these categories of "disadvantaged groups", and actively monitored by citizens.

While this is a show of progress, there still exists an opportunity going forward to use a gender lens in developing broad OGP commitments such as commitments on public participation while at the same time exploring more specific commitments that aim to use OGP to address gender inequality. Most importantly, however, is that for OGP to fully articulate its value to promoting inclusivity and gender equality, it has to go beyond serving citizens as a whole. The OGP can be conceptualized in a manner that achieves specific gains for women and minority groups, even as it benefits the general citizenry, as a first step for countries to take towards making the whole process from co-creation, implementation, evaluation and even the actual commitments and targets gender responsive.

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